



February 13, 2004

Assistant Commissioner of Patents
Washington, DC 20231

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Technology Center 2600

PROTEST UNDER 37 CFR 1.291(a)

Re: Method of disseminating advertisements
using an embedded media player page

US File #**20040015398**

Filed: 4/24/03

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20040015398**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded via the internet (0062) to "create bookmarks at a media player." This file of bookmarks (similar to a database of trigger events) then calls up advertising based on a voluntary user action relating to the stored database.

The unrelated "dissemination" of advertisements is described in (0006), (0030), (0036) and (0052).

The abstract clearly states, "When the bookmark is used in the browser to play the media file, the embedded media player page instructs the media device (110) to request an advertisement from an advertisement server (104) for display in the embedded media player page.

Relevant Claims are 12,19,20 and others that discuss the dynamic updating of new ads to the client and replacement of old ads based upon a number of "bookmarks" akin to keyword, URL and other voluntary user actions.

This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing and only some vague references to server profiling systems. The filers are correct that a targeted system based on URLs or keywords is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 4/24/03 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

The screenshot shows a Netscape browser window with the address bar displaying a URL from espacenet.com. The page title is "Espacenet Patent Office". The main content area shows the details for patent CA2328913, titled "TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD". The page includes a search sidebar on the left, a table of bibliographic data, and an abstract of the patent.

Search Sidebar:

- Quick Search
- Advanced Search
- Number Search
- Classification Search
- My patents list: 0
- Help

Bibliographic data:

Bibliographic data	Description	Claims	INPADOC LEGAL status
Patent number:	CA2328913		
Publication date:	1999-10-29		
Inventor:	ZETMEIR KARL D (US)		
Applicant:	ZETMEIR KARL D (US)		
Classification:			
International:	H04M5/00		
European:			
Application number:	CA10002328913 10000414		
Priority number(s):	US10000002041 10000417 WO10001000107 10000414		

Also published as:

- WO9955066 (A1)
- EP1076983 (A1)

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



